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VIA ECF

Honorable Gregory H. Woods
Southern District of New York
United States District Court
Daniel Patrick Moynihan US Courthouse
500 Pearl Street
New York, New York 10007

Re: Zivkovic v. Laura Christy LLC et al.; 17 cv 553

Dear Judge Woods --

We write respectfully on behalf of defendants in brief response to the letter submitted yesterday to the court by plaintiffs' counsel.

1. Notwithstanding plaintiffs' accusations of some nefarious strategy, plaintiffs' inability presently to collect on a nonfinal judgment is not of defendants' making. It is a bedrock of federal procedure that nonfinal judgments are unenforceable, and plaintiffs don't deny it. They are nevertheless vigorously pursuing collection, however, and therefore a stay is required.
2. As we explained in our correspondence to the Court, in light of plaintiffs' rejection of the remittitur option granted by the Court, defendants no longer believe that a Rule 54 partial judgment is viable. We have reviewed the case law and believe that the Second Circuit could reject the certification as improvidently granted, which would only further delay, complicate, and make these proceedings more costly. Keeping in mind efficient judicial administration, defendants have therefore proposed what we believe are the most streamlined options.

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In either case, until and unless this Court grants partial judgment under Rule 54(b), plaintiffs' collection efforts must cease.

Respectfully,

/s/ Leonard I. Spielberg

Leonard I. Spielberg